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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,708	11/13/2001	Susan Krystek	FIS9-2001-0227US	6243

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EXAMINER

ZEENDER, FLORIAN M

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/014,708

Applicant(s)

KRYSTEK ET AL.9

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. in view of Clendenin '000.

Shavit et al. teach or make obvious the limitations of the claims including a system for facilitating supply chain processes whereby multiple users in a supply chain can interact concurrently to provide various services and support to each other.

Shavit et al. lack the specific teaching of a customer focus team system performing "logistical" administrative services; the customer focus team system assigned to the contract manufacturer system based upon geographic proximity; a commodity council team system providing "logistical" administrative support; commodity council team system assigned to the contract manufacturer system based upon geographic proximity.

Clendenin teaches business information network for manufacturing entity whereby the network has a link to a contract manufacturer system (i.e., "brake pad manufacturer" 110a; See paragraph 0004) and a link to a supplier system (i.e., tire manufacturer 112; See paragraph 0004); network links to secondary suppliers which may provide "logistical" support and services (support and services include technical consulting, accounting, and legal service; See paragraph 0005) to the contract manufacturer system and the supplier system (See paragraph 0005, last two lines).

It would have been obvious to one of ordinary skill in the art at the time of the invention modify Shavit et al. to include a customer focus team system performing

"logistical" administrative services; and a commodity council team system providing "logistical" administrative support, in view of Clendenin, in order to provide a means for the manufacturer to have "knowledge of it's supply chain partner's business operations" so that the manufacturer "can increase production" (See Clendenin; paragraph 0008).

The limitation(s) with respect to assignment "based upon geographic proximity" is an obvious matter of design choice that is well known in business in order to save the manufacturer costs on shipping, mailing, long-distance phone bills, travel etc.

Re claims 16-20: the limitations associated with the claims would have been obvious design choices to one of ordinary skill in the art at the time of the invention as these limitations are coherent with normal and well known business practices to produce a desired result.

### ***Response to Arguments***

Applicant's arguments filed 11/5/2004 have been fully considered but are moot in view of the new grounds of rejection necessitated by amendment. The applicant's argument on page 9, lines 1-8 argues that Shavit does not teach "a **single**, enterprise-oriented system", however, this specific terminology is not found in the claims, therefore, this argument is moot. The other arguments have been addressed in the rejection above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3627

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

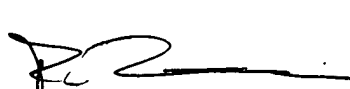
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for before-final communications.

F. Zeender  
Primary Examiner, A.U. 3627  
January 9, 2005

 1/9/05  
**F. RYAN ZEENDER**  
**PRIMARY EXAMINER**